Attorney Docket No.: 7751

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REMARKS

Claim Rejection based upon 35 U.S.C. §103(a)

Claim 1-17 have been rejected under 35 U.S.C. §103(a), as being unpatentable over Ward et al (US 644091 BI). The applicant believes the examiner is mistakenly applied the information in Ward et al. to the process used in the claimed invention as explained below.

Ward et al. claims as their invention the development and use of structurally rigid polymers for increasing the retention and drainage of papermaking furnishes in the papermaking process.. Structurally "rigid polymers" are defined as polymers that have been formulated and designed so that the rotational conformation (or the degrees of freedom) of the polymer are restricted resulting in a polymer chain that is more rigid in nature as compared to other flexible types of polymeric materials. Polymer chains that are of the more flexible type change in orientation depending upon the conditions (temperature, pH, conductivity, etc) in the media the polymer chain is dispersed into. We are not claiming the use of structurally rigid polymers in this patent application. While it may be true that some of the same polymer monomers or building blocks may be similar, there are significant differences in the organization of the molecules in the polymer chain. In our case we are looking at the more flexible type of polymer configuration and polymers of the correct anionic charge range and molecular weight that can stand up to the shear, temperature and process conditions inherent in the corn dry milling operation.

We also disagree with he examiners rejections of claims 1, 2, 5, 8 and 17 under the grounds that it would have been obvious to one of ordinary skill to apply the same monomers or polymers as taught by Ward and to other similar "cellulose" type processes. There are significant differences in the papermaking process and the grain dry milling operations both in overall scope and also from a unit operation standpoint. It would be very difficult to compare them and call them "similar processes". The section in the Ward patent that discusses the background of the invention does a great job in explaining at a high level what occurs in the critical operation of retention and drainage of furnish fines in papermaking process. While on the surface it may appear that as the examiner states that all cellulosic processes may be similar, it's not the case. In the papermaking process cellulosic fibers and other materials are added to the process stream and it's an overall goal to trap them and recover them in the sheet of paper that is being formed in the process.

In the corn dry grind process discussed in this patent application is not a cellulosic process. Cellulosic ethanol would refer to the use of a process where corn stover, corn stalk a material like switch grass was being processed. In the patent application being discussed here the corn is ground, it is processed to convert the starch to a sugar and the sugar to ethanol. The ethanol is removed and the remaining stream contains all of the non fermentable components of the corn kernel (only the corn kernel). The processing aid or polymers are added for the purpose of conditioning the protenacious material in the whole stillage in order to improve the capture of the insoluble proteinacious material in a solids/liquids separation device. The result is the recovery of a higher quality process water allowing more efficient reuse of the process water called "backset" in the fermentation and liquefaction portions of the dry grind ethanol process. The recovered insoluble proteinacious material is then processed as an animal feed supplement called distillers grains or dry distillers grains with solubles. Testing conducted with early versions of the structurally rigid polymers showed that they

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did not provide the performance benefit of the more flexible types of polymer chemistries identified in this patent application.

CONCLUSION

Applicants thanks the examiner for there review of this matter and submit that based upon the above Remarks, all pending claims are in condition for allowance and respectfully request that a Notice of Allowance be sent for all pending claims.

Respectfully Submitted,

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Date: